

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

WELLS SOLAR & ELECTRIC, LLC,

DEBTOR

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**CASE NO. 24-10193-cgb
Chapter 11**

**OBJECTION OF CONSOLIDATED ELECTRICAL DISTRIBUTORS,
INC. D/B/A GREENTECH RENEWABLES, INC. TO PLAN (RE:
DOCKET NO. 77)**

TO THE HONORABLE CHRISTOPHER G. BRADLEY, U.S. BANKRUPTCY JUDGE:

Consolidated Electrical Distributors, Inc. d/b/a Greentech Renewables, Inc., creditor and party in interest (“Consolidated”) file this objection to confirmation of the *Plan of Reorganization Dated May 28, 2024 (Docket No. 77)* (the “Plan”), and in support thereof would show the Court the following.

1. Consolidated objects to the purported or attempted injunction contained in Article 11 of the Plan, which provision is copied below.

Plan — Article 11

The Order confirming the Plan shall constitute a temporary injunction prohibiting any creditor with a scheduled claim or a filed proof of claim from filing or continuing to pursue a lawsuit against Carl Wells or Ferrin Deloach for the shorter of: (i) September 1, 2029, (ii) the date this case is converted to one under Chapter 7 or dismissed; or (iii) the date that a default under this plan has been noticed and has not been timely cured with regard to a specific creditor. The statute of limitations for any claim subject to this provision shall be tolled for the period that this injunction is in force and effect. In the alternative, if the Court does not approve the temporary injunction provided for above, no creditor may sue Carl Wells or Ferrin Deloach unless they first apply to the Court and establish that the Proposed Claims are not without foundation, not without merit, and not being pursued for an improper purpose.

2. Consolidated is the holder of a promissory note from the Debtor in the original principal amount of \$220,000. Carl Wells individually

3. As of the petition date of this case, the outstanding principal balance of the note was not less than \$205,000.

4. Consolidated wishes to pursue and/or continue to pursue the remedies available to Consolidated against the guarantor, Carl Wells, on the various remedies that Consolidated possesses against the guarantor.

5. A state court action by Consolidated as of and since the petition date is pending against Carl Wells as guarantor (Case No. D-1-GN-23-009077, 261st District Court, Travis Co., Texas).

6. Consolidated does not consent to the attempted injunction, and the Debtor must possess such consent to effectuate the injunction. *See Harrington v. Purdue Pharma L.P.*, No. 23-124, 2024 WL 3187799, at *7 (U.S. June 27, 2024) (“Viewed with that much in mind, we do not think [Code §1123(b)(6)] affords a bankruptcy court the authority the plan proponents suppose”).

7. The proposed plan here is hardly the type of full payment plan that was envisioned as the basis of such an injunction under the oft-cited progeny of *Zale*. *See Feld v. Zale Corp. (In re Zale Corp.)*, 62 F.3d 746, 761 (5th Cir.1995); *In re Bernhard Steiner Pianos, USA, Inc.*, 292 B.R. 109, 116 (Bankr. N.D. Tex. 2002); *In re Seatco, Inc.*, 257 B.R. 469, 477 (Bankr. N.D. Tex. 2001).

8. Also, the Court should not disturb the pending action and apply the gate keeping function of Article 11. The Travis County lawsuit already is underway, and the Plan should not achieve what would be impermissible before confirmation as the continuation of that action.

9. Consolidated reserves the right to amend and/or supplement this objection prior to any hearing on the Plan.

WHEREFORE, Consolidated Electrical Distributors, Inc. d/b/a Greentech Renewables, Inc., creditor and party in interest, respectfully requests that the Court deny confirmation unless Consolidated is excluded from Article 11 of the Plan and otherwise excluded with respect to any other attempt to enjoin any action of Consolidated against Carl Wells, individually and/or any other non-debtor obligor. Creditor respectfully requests such other and further relief to which the creditor is entitled at law or in equity.

Dated: July 10, 2024

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on July 10, 2024 by electronic notice to all ECF users who have appeared in this case to date, the address of which creditors are listed in the address list appearing below.

ANY PARTY REQUESTING A FULL SIZED COPY OF THIS PLEADING OR COPIES OF ANY EXHIBITS SHOULD CONTACT THE UNDERSIGNED.

/s/ Jeff Carruth
JEFF CARRUTH

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<u>Jane Greenberg</u>
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<u>United States Small Business Administration</u>
<u>United States Trustee - AU12</u>
<u>Wells Solar & Electrical Services LLC</u>

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Wed Jul 10 15:59:41 CDT 2024

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501 Stadium Drive
Glen Rose, TX 76043-4635

(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION
PO BOX 13528
AUSTIN TX 78711-3528

Texas Ice Machine Company, Inc.
729 3rd Avenue
Dallas, TX 75226-2017

Texas Mutual Insurance Company
PO Box 841843
Dallas, TX 75284-1843

Thad Marsh
24800 U.S. 83
Mountain Home, TX 78058

Thomas Gaines
8414 Woodland Parkway
Boerne, TX 78015

Todd Tibbett
804 Evans Avenue
San Antonio, TX 78209-3649

Tom Mustaine
42 Vanguard Way
Dallas, TX 75243-6510

Tonette Burnam
2304 Amen Corner Road
Pflugerville, TX 78660-5062

Trung Nguyen
3416 Killala Court
Arlington, TX 76014-3215

Tully Brown
400 E. Nakoma
Hutto, TX 78634-5565

Ty Shriver
322 CR 3670
China Spring, TX 76633-4551

US SBA Loan
Little Rock Commercial
Loan Servicing
Center 2120 Riverfront Drive Suite 100
Little Rock, AR 72202-1794

United States Small Business Administration
615 E. Houston St., Ste 298
San Antonio, TX 78205-2046

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

Valerie Myers
8513 Bell Mountain Drive
Austin, TX 78730-2831

Vanguard Lease Co
14100 Inwood Rd.
Dallas, TX 75244-3917

Vanguard Leasing
Rob Rogers
14100 Inwood Road
Dallas, TX 75244-3917

Verizon Wireless
P.O. Box 16810
Newark, NJ 07101-6810

Victor Parker
2505 Muzzie Lane
Leander, TX 78641-4421

Wayne Matson
6242 Palmetto Way
San Antonio, TX 78253-5549

Wells Fargo Bank Small Business Lending Divi
PO Box 29482 MAC S4101-08C
Phoenix, AZ 85038-9482

Wells Fargo Commercial Banking
600 S 4th St Fl 13
Minneapolis, MN 55415-1526

Willie & Gwendolyn Shaw
4152 Riata Ranch Road
Waco, TX 76705-3810

Willie Nelson
c/o Mark Rothbaum & Assoc
360 Mill Plain Rd Ste 406
Danbury, CT 06811

Zach Nash
24007 Vecchio
San Antonio, TX 78260-3505

Zachary Mauldin
218 Amber Oak Drive 78640-5270

Zachary Settles
3901 Robert Burns Drive 78749-2424

Zurich American Insurance Company
ATTN Jessica Melesio
PO Box 68549
Schaumburg, IL 60168-0549

Charles Murnane
Laura Schut, P.C.
164 World of Tennis Square
Lakeway, TX 78738-1104

David Neal Stern
Barron & Newburger, P.C.
7320 N. MoPac Expressway, Suite 400
Austin, TX 78731-2347

Michael G. Colvard
Martin & Drought, PC
Weston Centre
112 E Pecan St, Suite 1616
San Antonio, TX 78205-8902

Stephen W. Sather
Barron & Newburger, PC
7320 N MoPac Expy, Suite 400
Austin, TX 78731-2347

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Austin Energy
PO Box 2267
Austin, TX 78703

(d)City of Austin
PO Box 2267
Austin, TX 78768-2267

Great America Financial Services
P.O. Box 660831
Dallas, TX 75266-0831

McCarthy, Burgess & Wolff
26000 Cannon Rd
Cleveland, OH 44146

Solar Mosaic LLC
601 12th Street Suite 325
Oakland, CA 94607

Sunnova Energy Corporation
20 Greenway Plaza Suite 540
Houston, TX 77046

Texas Comptroller
Bankruptcy Section
PO Box 13528
Austin, TX 78711

(d)Texas Comptroller
Bankruptcy Section
PO Box Box 13528
Austin, TX 78711

Addresses marked (c) above for the following entity/entities were corrected as required by the USPS Locatable Address Conversion System (LACS).

Jose Gerardo Conde Gomez
8028 Wichita Street # 116
Fort Worth, TX 76140

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)ABC Home and Commercial Services
9475 E Hwy 290
Austin, TX 78724-2303

(u)DE LAGE LANDEN
FINACIAL SERVICES, INC
5046 Mainway Unit 1
Burlington

(u)Erin Carmean
Address Missing
Address Missing

(d)Jay P. Robillard
6806 Langston Dr
Austin TX 78723-2218

(d)John Williams
401 Grandview Place
San Antonio, TX 78209-5405

(u)Monday.com
6 Yitzhak Sadeh Street
Tel Aviv

(d)RTM Engineers and Consultants
7550 amy ave
Fair Oaks, CA 95628-6826

(u)Rudy Escamilla
Address Missing
Address Missing

End of Label Matrix
Mailable recipients 267
Bypassed recipients 8
Total 275